

Partial Child Right and Wellbeing Impact Assessment

Stage 1

Screening - key questions

1. What aspects of the policy/measure will affect children and young people up to the age of 18?

The Articles of the UNCRC and the wellbeing indicators under the Children and Young People (Scotland) 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

If an individual is under the age of 18 when convicted of an offence included on schedule 8A (the "Always Disclose List"), they will have the right to apply to a Sheriff in order to seek removal of that conviction information before their disclosure is sent to a third party such as an employer, when the conviction is spent and 7 years and 6 months have passed since the date of the conviction.

2. What likely impact - direct or indirect - will the policy/measure have on children and young people?

'Direct' impact refers to policies/measures where children and young people are directly affected by the proposed changes e.g. in early years, education, child protection or looked after children (children in care). 'Indirect' impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include: welfare reforms, parental leave, housing supply or local transport schemes.

It will impact children and young people who have been convicted of offences which are included on the always disclose list. It will not impact them straight away but as they get older (as detailed above). The impact would potentially be positive as it will enable them to put the offending behaviour behind them more quickly than under current legislation.

3. Are there particular groups of children and young people who are more likely to be affected than others?

Under the UNCRC 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. It may be possible to align the CRWIA with the EQIA in these cases. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance e.g. pre-school children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child asylum-seekers, or children living in poverty.

The order will mainly positively affect children and young people who have been convicted of offences which are included on the always disclose list.

4. Who else have you involved in your deliberations?

Have you included all policy leads who may have an interest in these developments?

Scottish Ministers, Scottish Government Legal Directorate and a formal public consultation will be launched on 11 September 2017.

5. Will this require a CRWIA?

Yes.

Although the numbers of children directly affected will be very small, the impact on these individuals will potentially be positive in terms of longer term prospects and reaching their potential.

CRWIA Declaration

Tick relevant section, and complete the form.

CRWIA required

CRWIA not required

X

Authorisation

Policy lead

Lynne McMinn
Head of Policy
Disclosure Scotland

Date

31 August 2017

Deputy Director or equivalent

Lorna Gibbs
Chief Executive
Disclosure Scotland

Date

31 August 2017